IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2017 of 2007

SMT. SUNITA
V/S
RENT TRIBUNAL,JODHPUR & ORS.

Mr. DEEPAK NEHRA for Mr. CP TRIVEDI, for the appellant / petitioner

Date of Order : 17.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The petition for eviction was filed against the defendants alleging inter-alia that the premises was let out to other defendant's husband and father, Amar Lal, who has expired, and that after the death, the legal representatives/heirs (defendants) never carried on business in the suit shop, and are also not carrying it, rather the shop had been closed, and that the premises lying closed, wherein no business is being carried. The present petitioner claims to be the daughter of the deceased Amar Lal, and it is claimed in the application for impleadment of party that she is carrying on business in the suit premises for the last 10 years.

A reply to that application has been filed contending that the present petitioner never carried on any business in the suit premises, nor is carrying it.

The learned trial Court has found that the defendants are none else than her brother and mother, and

it does not stand to reason that if she was carrying on business in the suit premises, she should not have come to know of the proceedings for such a long time.

Learned counsel made available for my perusal the copy of the application filed for impleadment as party, and its reply, even therein there is nothing to show that there is any collision between the plaintiff, and the existing defendant, so as to fraudulently evict the petitioner. In my view, the learned trial Court was perfectly right in dismissing the application.

The writ petition, has no force, and is dismissed summarily.

(N P GUPTA),J.

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